

AMENDED IN ASSEMBLY JUNE 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 88**

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**Introduced by Assembly Member Davis**

January 5, 2009

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An act relating to state employees, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 88, as amended, Davis. State employees: memorandum of understanding.

Existing law provides that a provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees that requires the expenditure of funds does not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions of a memorandum of understanding entered into between the state employer and *the American Federation of State and County Municipal Employees for State Bargaining Unit 19* that require the expenditure of funds, and would provide that these provisions will become effective even if these provisions are approved by the Legislature in legislation other than the annual Budget Act.

The bill would provide that provisions of the memorandum of understanding approved by this bill that require the expenditure of funds will not take effect unless funds for those provisions are specifically appropriated by the Legislature, and would require the state employer and the affected employee organization to meet and confer to renegotiate

the affected provisions if funds for those provisions are not specifically appropriated by the Legislature.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that the  
2 purpose of this act is to approve an agreement pursuant to Section  
3 3517.5 of the Government Code entered into by the state employer  
4 and a recognized employee organization.

5 SEC. 2. The provisions of the memorandum of understanding  
6 prepared pursuant to Section 3517.5 of the Government Code and  
7 entered into by the state employer and State Bargaining Unit 19,  
8 dated \_\_\_\_, and that require the expenditure of funds, are hereby  
9 approved for the purposes of subdivision (b) of Section 3517.6 of  
10 the Government Code.

11 SEC. 3. The provisions of the memorandum of understanding  
12 approved by Section 2 of this act that require the expenditure of  
13 funds shall not take effect unless funds for these provisions are  
14 specifically appropriated by the Legislature. If funds for these  
15 provisions are not specifically appropriated by the Legislature, the  
16 state employer and the affected employee organization shall meet  
17 and confer to renegotiate the affected provisions.

18 SEC. 4. Notwithstanding Section 3517.6 of the Government  
19 Code, the provisions of the memorandum of understanding  
20 included in Section 2 that require the expenditure of funds shall  
21 become effective even if the provisions of the memorandum of  
22 understanding are approved by the Legislature in legislation other  
23 than the annual Budget Act.

24 ~~SEC. 5. This act is an urgency statute necessary for the~~  
25 ~~immediate preservation of the public peace, health, or safety within~~  
26 ~~the meaning of Article IV of the Constitution and shall go into~~  
27 ~~immediate effect. The facts constituting the necessity are:~~

28 ~~In order for the provisions of this act to be applicable as soon as~~  
29 ~~possible in the 2008–09 fiscal year and thereby facilitate the orderly~~

- 1 administration of state government at the earliest possible time, it
- 2 is necessary that this act take effect immediately.

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